

USPTO Serial Number: 09/775,265
Paul Clark Blalock et al.
Response to Office Action mailed April 28, 2006

REMARKS

The subject patent application has been transferred to the law firm of Quarles & Brady. The undersigned attorney has assumed responsibility for prosecution of the subject application.

Applicants traverse the Examiner's statement that perceived failure to challenge officially noted facts cited in the previous office action(s) is tantamount to admission as prior art. Applicants made no such admission and reserve the right to present arguments with respect to judicial notice of common knowledge of one of ordinary skill in the art with respect to the newly presented claims.

The Office Action rejects claims 67, 73, and 93 under 35 U.S.C. 112, second paragraph. Applicants have cancelled claims 67, 73, and 93, which renders the 112 rejection moot. The newly presented claims do not use phrases such as "appropriate shipping services", "associated with said selected buyer or seller", and "acceptable rates." Applicants believe that the new claims comply with the requirements of 35 U.S.C. 112, second paragraph.

The Office Action rejects claims 65-66, 70, 86, 90, 93, and 95 under 35 U.S.C. 103 as being unpatentable over Caplice in view of Atkinson. The Office Action further rejects claims 67-71 under 35 U.S.C. 103 as being unpatentable over Caplice in view of Atkinson and Barni. The Office Action further rejects claims 72-73 under 35 U.S.C. 103 as being unpatentable over Caplice in view of Atkinson, Barni, and Sheehan. The Office Action further rejects claims 74-85, 92, and 94 under 35 U.S.C. 103 as being unpatentable over Caplice in view of Atkinson and

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Sheehan. The Office Action further rejects claims 96-99 and 101-102 under 35 U.S.C. 103 as being unpatentable over FCC Action 17 in view of Caplice. Applicants have cancelled claims 65-86, 90, 92-99, and 101-102, which renders the 103 rejections moot.

In an effort to place the subject application in condition for allowance, Applicant(s) have provided new claims 103-128.

New claim 103 recites a computer-implemented method of conducting auction transactions for shipping services comprising the steps of providing a log-in screen for shippers and carriers to access the auction transactions with a valid authorization code, and providing a main screen for selecting between approving carriers to bid on the auction transactions and presenting requests for proposal (RFQ) to approved carriers. The steps of approving carriers include providing a carrier list screen for displaying an identifier for each carrier, and providing a carrier storefront screen for taking actions with respect to each carrier including options for the shipper to add selected carriers to approved bidder list, invite selected carriers to respond to posted RFQs, and communicate with selected carriers. The steps of presenting RFQs include providing a carrier profile screen for displaying RFQ information, including an auction identifier, shipping lanes, origin, destination, demand, accessorial charges for services, matrix of mileage rates for geographical zones, bidding-related temporal data, and status, the status being selected from the group consisting of private, announced, active, and complete, wherein the accessorial charges for services are linked to the shipping lanes to consolidate bidding during the auction transaction, providing a shipping lane screen for displaying

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shipping lane information, including name, standard carrier alpha code, over the road, and intermodal information, the shipping lane information being selectively displayed by the shipper for the carriers, providing a filter screen for searching the RFQ information and sorting the shipping lane information, providing a carrier status screen for displaying the carrier information, including name, standard carrier alpha code, and carrier status, the carrier status information for the carrier having a state selected from the group consisting of rejected, qualifying, approved, and inactive, and providing an RFQ award screen for displaying award of bids of the shipping lanes for previous rounds and current round, wherein the RFQ award screen has the option of enabling or blocking award of bids by non-winning carriers.

None of the prior art references of record, taken singularly or in combination, teach or suggest the screens as described above. More specifically, the prior art references of record does not show the combination of a main screen for selecting between approving carriers, carrier list screen for displaying an identifier for each carrier, carrier storefront screen for taking actions with respect to each carrier, carrier profile screen for displaying RFQ information, shipping lane screen for displaying shipping lane information, filter screen for searching the RFQ information and sorting the shipping lane information, carrier status screen for displaying the carrier information, and RFQ award screen for displaying award of bids of the shipping lanes.

Accordingly, claim 103 is believed to patentably distinguish over the prior art of record. Claims 104-109 are

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believed to be in condition for allowance as each is dependent from an allowable base claim.

New claim 110 recites a computer-implemented method of conducting auction transactions for shipping services comprising the steps of providing a log-in screen for sellers and buyers to access the auction transactions with a valid authorization code, and providing a main screen for selecting between approving sellers to bid on the auction transactions and presenting requests for proposal (RFQ) to approved sellers. The steps of approving sellers include providing a seller list screen for displaying an identifier for each seller, and providing a seller storefront screen for taking actions with respect to each seller including options for the buyer to add selected sellers to approved bidder list, invite selected sellers to respond to posted RFQs, and communicate with selected sellers. The steps of presenting RFQs include providing a seller profile screen for displaying RFQ information, including an auction identifier, shipping lanes, origin, destination, demand, accessorial charges for services, matrix of mileage rates for geographical zones, and status, the status being selected from the group consisting of private, announced, active, and complete, providing a shipping lane screen for displaying shipping lane information, providing a filter screen for searching the RFQ information and sorting the shipping lane information, providing a seller status screen for displaying seller status having a state selected from the group consisting of rejected, qualifying, approved, and inactive, and providing an RFQ award screen for displaying award of bids of the shipping lanes for previous rounds and current round, wherein the RFQ award screen has the option of enabling or blocking award of bids by non-winning sellers.

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None of the prior art references of record, taken singularly or in combination, teach or suggest the screens having the features described above. Accordingly, claim 110 is believed to patentably distinguish over the prior art of record. Claims 111-118 are believed to be in condition for allowance as each is dependent from an allowable base claim.

New claim 119 recites a computer program product usable with a programmable computer processor having a computer readable program code embodied therein comprising computer readable program code which provides a log-in screen for shippers and carriers to access the auction transactions with a valid authorization code, and provides a main screen for selecting between approving carriers to bid on the auction transactions and presenting requests for proposal (RFQ) to approved carriers. The code which approves carriers includes the features of providing a carrier list screen for displaying an identifier for each carrier, and providing a carrier storefront screen for taking actions with respect to each carrier including options for the shipper to add selected carriers to approved bidder list, invite selected carriers to respond to posted RFQs, and communicate with selected carriers. The code which presents RFQs includes the features of providing a carrier profile screen for displaying RFQ information, including an auction identifier, shipping lanes, origin, destination, demand, accessorial charges for services, matrix of mileage rates for geographical zones, bidding-related temporal data, and status, the status being selected from the group consisting of private, announced, active, and complete, providing a shipping lane screen for displaying shipping lane information, including name, standard carrier alpha code, over

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the road, and intermodal information, the shipping lane information being selectively displayed by the shipper for the carriers, providing a filter screen for searching the RFQ information and sorting the shipping lane information, providing a carrier status screen for displaying the carrier information, including name, standard carrier alpha code, and carrier status, the carrier status information for the carrier having a state selected from the group consisting of rejected, qualifying, approved, and inactive, and providing an RFQ award screen for displaying award of bids of the shipping lanes for previous rounds and current round, wherein the RFQ award screen has the option of enabling or blocking award of bids by non-winning carriers.

None of the prior art references of record, taken singularly or in combination, teach or suggest the screens having the features described above. Accordingly, claim 119 is believed to patentably distinguish over the prior art of record. Claims 120-121 are believed to be in condition for allowance as each is dependent from an allowable base claim.

New claim 122 recites a computer system for conducting auction transactions for shipping services comprising means for providing a log-in screen for shippers and carriers to access the auction transactions with a valid authorization code, and means for providing a main screen for selecting between approving carriers to bid on the auction transactions and presenting requests for proposal (RFQ) to approved carriers. The means of approving carriers includes means for providing a carrier list screen for displaying an identifier for each carrier, and means for providing a carrier storefront screen for taking actions with respect to each carrier including options

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for the shipper to add selected carriers to approved bidder list, invite selected carriers to respond to posted RFQs, and communicate with selected carriers. The means of presenting RFQs includes means for providing a carrier profile screen for displaying RFQ information, including an auction identifier, shipping lanes, origin, destination, demand, accessorial charges for services, matrix of mileage rates for geographical zones, bidding-related temporal data, and status, the status being selected from the group consisting of private, announced, active, and complete, means for providing a shipping lane screen for displaying shipping lane information, including name, standard carrier alpha code, over the road, and intermodal information, the shipping lane information being selectively displayed by the shipper for the carriers, means for providing a filter screen for searching the RFQ information and sorting the shipping lane information, means for providing a carrier status screen for displaying the carrier information, including name, standard carrier alpha code, and carrier status, the carrier status information for the carrier having a state selected from the group consisting of rejected, qualifying, approved, and inactive, and means for providing an RFQ award screen for displaying award of bids of the shipping lanes for previous rounds and current round, wherein the RFQ award screen has the option of enabling or blocking award of bids by non-winning carriers.

None of the prior art references of record, taken singularly or in combination, teach or suggest the screens having the features described above. Accordingly, claim 122 is believed to patentably distinguish over the prior art of record.

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Claims 123-128 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicant(s) believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the prosecution of the Application, Applicant(s) invite the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,
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